

facts, not to relieve plaintiff from showing that there was no such outstanding title in the state as bars recovery. *Mitchell v. Mitchell*, 1 Md. 53.

The proprietary could not be affected by adverse possession before the land had been granted. *Steuart v. Mason*, 3 H. & J. 507.

This section applied. *Chapman v. Hoskins*, 2 Md. Ch. 493.

For law prior to adoption of this section, see *Hall v. Gittings*, 2 H. & J. 112; *Cheney v. Ringgold*, 2 H. & J. 87; *Russell v. Baker*, 1 H. & J. 71; *Kelly v. Greenfield*, 2 H. & McH. 121; *Tasker v. Whittington*, 1 H. & McH. 151.

Cited but not construed in *Jay v. Van Bibber*, 94 Md. 695; *Hepburn's Case*, 3 Bl. 111; *Campbell's Case*, 2 Bl. 237.

Cited but not construed in *Miller v. Horowitz*, 172 Md. 432.

As to a ground-rent being extinguished by a failure to collect for twenty years, see art. 53, sec. 36.

Actual enclosure is no longer necessary to adverse possession—art. 75, sec. 84. See also art. 54, sec. 19, *et seq.*

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 11. 1888, sec. 10. 1777, ch. 6. 1801, ch. 74, sec. 32.

11. No prosecution or suit shall be commenced for any fine, penalty or forfeiture, or any misdemeanor, except those punished by confinement in the penitentiary, unless within one year from the time of the offense committed.

Meaning of this section not affected by amendments to art. 27, sec. 788; prosecutions for conspiracies or other misdemeanors not "placed along with felonies" by grades of punishment fixed for them by common law or statute, must be begun within one year. *Archer v. State*, 145 Md. 136.

This section does not apply to prosecution for false pretenses, since this crime is punishable by confinement in penitentiary under art. 27, sec. 150. *Simmons v. State*, 165 Md. 167.

While the state must prove that offense was committed within one year prior to commencement of prosecution, it is not confined in its proof to date alleged in indictment, but may show that offense occurred at some time within period of limitations. *Curry v. State*, 117 Md. 592.

The presentment, if valid, begins prosecution and stops running of statute. If presentment is invalid and indictment is found more than one year after commission of offense, statute is a bar. *State v. Keifer*, 90 Md. 171.

Although a decision on a *scire facias* against a defendant involves a forfeiture of its franchise, this section has no application. The act of 1777, ch. 6, shows the meaning of this section. *Washington, etc., Turnpike Road v. State*, 19 Md. 294.

A prosecution for being a common thief must be commenced within one year. Acts of larceny prior to such period are not admissible in evidence. *World v. State*, 50 Md. 55.

This section applies to a prosecution for Sunday liquor selling. *Seim v. State*, 55 Md. 570; *State v. Popp*, 45 Md. 438.

This section applies to a prosecution under art. 12 for bastardy. *Bake v. State*, 21 Md. 426.

As to how this section should be pleaded in a prosecution under art. 12, see *Neff v. State*, 57 Md. 391.

Where an offense may be punished by confinement in the penitentiary, it is within the exception of this section. *Schaumloeffel v. State*, 102 Md. 472.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1888, sec. 11. 1723, ch. 16, sec. 13.

12. All actions or prosecutions for blasphemy and Sabbath breaking, or drunkenness shall be made within one month after the fact.

This section has no application to a prosecution for Sunday liquor selling. *Seim v. State*, 55 Md. 570; *State v. Popp*, 45 Md. 438.

The act of 1723, ch. 16, sec. 13, discussed and construed. *State v. Popp*, 45 Md. 436.

As to "Blasphemy," see art. 27, sec. 20. As to "Drunkenness," see art. 27, sec. 131.

As to Sabbath-breaking, see art. 27, sec. 560, *et seq.*

An. Code, 1924, sec. 13. 1912, sec. 13. 1904, sec. 13. 1888, sec. 12. 1833, ch. 258, sec. 1.

13. The fees of attorneys, solicitors, clerks, registers, sheriffs, constables and other officers shall be collected in three years from their date, and not after.

How this section should be pleaded to a suit on sheriff's bond for fees placed in his hands for collection by a former clerk. A fee debtor may rely upon this section. *Jamison v. State*, 55 Md. 104.